

REMARKS

Amendment to claims

Originally filed claims 1-35 are herein canceled by the above amendment.

New claims 36-60 have been added.

Independent claim 36 is drawn to substantially the same subject matter as original claims 1, 9, and 10 (now canceled) but is of a different scope than the original claims. Additional support for claim 36, dependent claims 37-42, and portions of claims 58-60, is found, for example, at page 7, lines 15-28, of the Specification.

Claims 43-46 are drawn to substantially the same subject matter as original claims 14, 15, 17, and 18 (now canceled) but are of a different scope than the original claims. Additional support for claims 43-46 is found, for example, at page 9, line 16 - page 10, line 27, of the Specification.

Claims 47-50 are drawn to similar subject matter as recited in original claims 26 and 27 (now canceled). Additional support for claims 47-50 is found, for example, at page 10, lines 21-27, of the Specification.

Claim 51-55 are drawn to substantially the same subject matter as original claims 1, 13, 16, 21, 22, 23, and 24 (now canceled) but are of a different scope than the original claims. Additional support for claims 51-55 and support for claim 56 can be found, for example, at page 8, line 8 - page 9, lines 7, and page 9, lines 22-27, of the Specification.

No new matter has been added by these amendments.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 21-23 and 34 (now canceled) were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite "because they lack the proper indefinite article in front of each cancer type." Office Action at page 2.

Inasmuch as this rejection would apply to newly added claims 52, 53, and 55, Applicants note that indefinite articles have been recited in these claims. With respect to newly added claim 53, the article "a" at line 2 of the claim is intended to refer to all the cancer types in the Markush group. However, if the Patent Office requests the insertion of

separate indefinite articles for each cancer type, Applicants will amend claim 53 accordingly.

In view of the above amendment and comments, Applicants submit that the rejection under 35 U.S.C. § 112, second paragraph, is now moot.

Double-patenting rejections

Original claims 1, 2, 6, 9-20, and 24-32 (now canceled) were rejected based on double patenting of the "same invention" type, under 35 U.S.C. § 101, over claims 1-2, 4, 6-16, and 18-26 of issued U.S. Patent No. 6,261,555.

Original claims 3-5, 7, 8, 21-23, and 33-35 (now canceled) were provisionally rejected under the judicially created doctrine of "obviousness-type" double-patenting over claims 3, 5, and 17 of issued U.S. Patent No. 6,261,555.

Original claims 1-35 (now canceled) were provisionally rejected under the judicially created doctrine of "obviousness-type" double-patenting over claims 1-35 of issued U.S. Patent No. 6,110,461.

Original claims 1-35 (now canceled) were provisionally rejected under the judicially created doctrine of "obviousness-type" double-patenting over claims 1-26 and 28-32 of issued U.S. Patent No. 6,136,307.

Original claims 1-35 (now canceled) were provisionally rejected under the judicially created doctrine of "obviousness-type" double-patenting over claims 1-35 of issued U.S. Patent No. 6,344,195.

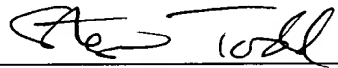
The above amendment, canceling original claims 1-35 and adding new claims 36-60, drawn to substantially the same subject matter but of a different scope than the original claims, presumably obviates the double-patenting rejections.

CONCLUSION

Applicants respectfully request reconsideration of the above-identified application in view of the above amendment and remarks. If a telephone conversation would expedite examination of the application, the Examiner is invited to contact the undersigned at (650) 622-2300.

Respectfully submitted,

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